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**Christopher T. Giovinazzo**

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**From:** Paul Rice [price@civlit.com]  
**Sent:** Monday, September 10, 2007 1:33 PM  
**To:** Christopher T. Giovinazzo  
**Cc:** 'Rye Brumfiel, Amber'; 'Michael Calleja'  
**Subject:** B & O/Home Depot

Hi Chris:

In working on my Opposition to your Motion, I reviewed section VI. As you know, I disagree with your position that my request for mediation was premature, due to the 60 day provision, given, among other things, B & O's position that mediation should have been conducted to address the issue of whether H.D. had a right to give notice prior to fulfillment of the 75% commitment provision of A-1.

In any case, notice was given by H.D. on July 25, 2007. B & O again requests that H.D. mediate the dispute between the parties relating to Exhibit 3, prior to the hearing on your Motion. If your client is willing to do so, please contact me promptly to schedule a date for such, to be held either before I leave, or after my return.

Regards,

Paul E. Rice  
Rice & Bronitsky  
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